

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 011738.00133

In re U.S. Patent Application of)	
Osorio, et al.)	
)	
Application No. 10/687,135)	Group Art Unit: 3762
)	
Filed: October 15, 2003)	Examiner: Alter, Alyssa Margo
)	
For: Configuring and Testing Treatment)	Confirmation No. 8261
Therapy Parameters for a Medical)	
Device System)	

INTERVIEW SUMMARY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Interview Summary is filed in relation to the Examiner Interview conducted on November 20, 2009 via telephone. The undersigned contacted Examiner Alter via telephone to discuss the features of the pending independent claims. During the interview, discussion was directed toward clarifying the issues of the prior art rejections remaining on the record. Particular discussion was directed to “tolerable” and “tolerability” differing from the “range of safety” feature in independent claims 1 and 25. The undersigned referred to the Response filed September 21, 2009, and stated that the prior art rejections disregard the written specification as originally filed and the language of dependent claim 4, which differentiates what is “tolerable to the patient” from “a range of safety.” Examiner Alter stated her position that such distinctions, as indicated by the Applicants to be in paragraph [0182] of the application published as US 2004/0138516 were not evident in the independent claims. Examiner Alter stated her position that the undersigned should include limitations into the claims in order to better distinguish tolerable from safe. While the parties did not reach an agreement, Applicants and the undersigned wish to thank Examiner Alter for her time during the Examiner Interview.

The undersigned notes that a Notice of Appeal was filed on November 23, 2009.

Date: January 8, 2010

By: 

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